

RJS 2019

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Questions for Rajasthan Judicial Services

RJS QUIZ 3

Directions: Study the following information carefully and answer the questions given below:

1. The Law of Limitation in the Limitation Act is _____ in its operation.

- A. prospective
- B. retrospective
- C. future
- D. all of the above

2. Applicant in the Limitation Act includes _____ ?

- A. petitioner
- B. plaintiff
- C. defendant
- D. executor

3. Suit does not include _____ in the Indian Limitation Act?

- A. an appeal
- B. an application
- C. revision
- D. both (a) and (b)

4. Tort means _____ in the Indian Limitation Act?

- A. criminal wrong
- B. civil wrong which is not exclusively the breach of contract or the breach of trust
- C. obligation arising out violation of agreement
- D. All of the above

5. Trustee does not include _____ in the Indian Limitation Act

- A. Benamidar B. mortgagee
C. natural guardian D. Both (a) and (b).

6. Every suit instituted and application made after the prescribed period shall be dismissed

- A. on the application of the defendant
B. on the application of the petitioner
C. on the application of power of attorney holder
D. Even if limitation has not been set up as a defence.

7. Where the prescribed period for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted preferred or made on the day

- A. when the court reopens
B. when the court fixed up date
C. when the court sit for special judicial work
D. all of the above

8. The Court may condone the delay on the ground of _____ in the Indian Limitation Act?

- A. illness B. poverty
C. imprisonment D. sufficient cause'

9. Out of the following which is a sufficient cause

A. poverty

B. wrong advice of counsel's clerk

C. illness of the party

D. negligence of the party

10. Where once time has begun to run subsequent disability or inability _____ in the Indian Limitation Act?

A. to institute a suit stops it

B. to institute a suit does not stop it

C. stopped the running of time

D. both (a) and (c).



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Correct answers:

1	2	3	4	5	6	7	8	9	10
B	A	D	B	D	D	A	D	C	B

Explanations:

1.

The Law of Limitation is retrospective in its operation.

Hence option B is the correct answer.

2.

According to the Section 2(a) of the Limitation Act, “applicant” includes— (i) a petitioner; (ii) any person from or through whom an applicant derives his right to apply; (iii) any person whose estate is represented by the applicant as executor, administrator or other representative.

Hence option A is the correct answer.

3.

According to the Section 2(a) of the Limitation Act, “suit” does not include an appeal or an application.

Hence option D is the correct answer.

4.

According to the Section 2(m) of the Limitation Act, “tort” means a civil wrong which is not exclusively the breach of a contract or the breach of a trust.

Hence option B is the correct answer.

5.

According to the Section 2(n) of the Limitation Act, “trustee” does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied or a person in wrongful possession without title.

Hence option D is the correct answer.

6.

According to the Section 3(1) of the Limitation Act, Subject to the provisions contained in sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed, although limitation has not been set up as a defence. Thus, every suit instituted and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence.

Hence option D is the correct answer.

7.

The Section 4 of the Limitation Act provides that where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court re-opens.

Hence option A is the correct answer.

8.

As according to the Section 5 of the Limitation Act, any appeal or any application, may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Hence option D is the correct answer.

9.

Illness of the party, if the effect of the same is of a serious nature that disables the party to attend any duty, thus reasonably causing the delay in presentation of appeal can be a sufficient cause under Section 5 of the Limitation Act, subject to the facts and circumstances of each case.

Hence option C is the correct answer.

10.

As according to the Section 9 of the Limitation Act, where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it.

Hence option B is the correct answer.

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